Plaintiffs' Exhibit 13 (Redacted)

HIGHLY CONFIDENTIAL

Page 1

1

2   H I G H L Y   C O N F I D E N T I A L

3

IN THE UNITED STATES DISTRICT COURT

4   FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

5   ------------------------------x

UNITED STATES, et al.,

6

            Plaintiffs,

7

        vs.   Case No.

8   1:23-cv-000108

GOOGLE LLC,

9

            Defendant.

10 ------------------------------x

11

12   HIGHLY CONFIDENTIAL

13   VIDEOTAPED DEPOSITION OF BENNEASER JOHN

14   New York, New York

15   Friday, September 8, 2023

16   9:17 a.m.

17

18

19

20

21

22

23   Reported by:

Jennifer Ocampo-Guzman, CRR, CLR

24   JOB NO. 6082515

25

HIGHLY CONFIDENTIAL

Page 6

[REDACTED]

Page 7

[REDACTED]

12   Q.   Can you state your name for the
13   record, please?
14   A.   Benneaser John, and I go by Ben
15   John.

[REDACTED]

18   Q.   What is your current position at
19   Microsoft?
20   A.   VP of engineering.
21   Q.   And when did you start working at
22   Microsoft?
23   A.   June 6, 2022.
24   Q.   And prior to Microsoft, where did
25   you work?

Page 8

1   JOHN - HIGHLY CONFIDENTIAL
2   A.   At Xandr.
3   Q.   And when did you start working at
4   Xandr?
5   A.   I started at AppNexus late 2012,
6   and AppNexus evolved to Xandr, part of the
7   AT&T acquisition.
8   Q.   And what was your position at
9   Xandr?
10   A.   CTO.
11   Q.   And you said prior to Xandr you
12   worked at AppNexus?
13   A.   Yes.
14   Q.   And when did you start working at
15   AppNexus?
16   A.   January 2013, to be exact.
17   Q.   And what was your position at
18   AppNexus?
19   A.   I played multiple roles. I started
20   as head of engineering for web services, then
21   SVP of engineering for buyer side systems,
22   and then I took the CTO role.
23   Q.   And you're prepared to testify
24   today as the corporate representative of
25   Microsoft, including as to topics relating to

Page 9

1   JOHN - HIGHLY CONFIDENTIAL
2   Xandr, which was acquired by Microsoft in
3   2022, and also AppNexus, which was acquired
4   by AT&T in 2018, when it was integrated into
5   AT&T's new tech offering, which was branded
6   Xandr, correct?
7   A.   That is correct.
8   MS. COLE: I just want to state for
9   the record, to the extent that we have
10   the records and materials from the
11   transition.
12   MS. DUNN: Understood.
13   Q.   And just for the record, Microsoft
14   acquired your former company Xandr, was that
15   in 2022?
16   A.   Uh-huh.
17   (Discussion off the record.)
18   A.   Oh, sorry, yes.
19   Q.   And Xandr, just for the record, is
20   an advertising technology company with buy
21   and sell side capabilities?
22   A.   That's correct, yes.
23   Q.   If you -- we'll show you Tab 2.

[REDACTED]

3 (Pages 6 - 9)

HIGHLY CONFIDENTIAL

Page 234

Page 236

Page 235

Page 237

Veritext Legal Solutions

800-567-8658

973-410-4098

HIGHLY CONFIDENTIAL

Page 238

Page 240

Page 239

Page 241

Veritext Legal Solutions

HIGHLY CONFIDENTIAL

Page 254

Page 256

Page 255

Page 257

Veritext Legal Solutions

HIGHLY CONFIDENTIAL

Page 306

Page 308

Page 307

Page 309

Veritext Legal Solutions

800-567-8658

973-410-4098

HIGHLY CONFIDENTIAL

Page 310

Page 312

Page 311

Page 313

79 (Pages 310 - 313)

HIGHLY CONFIDENTIAL

Page 318

[redacted]

Page 320

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 1
 2   STATE OF _____ )
 3                ) :ss
 4   COUNTY OF _____ )
 5
 6
 7        I, BENNEASER JOHN, the witness
 8   herein, having read the foregoing
 9   testimony of the pages of this
10   deposition, do hereby certify it to be a
11   true and correct transcript, subject to
12   the corrections, if any, shown on the
13   attached page.
14
15                    _____
16        BENNEASER JOHN
17
18   Sworn and subscribed to before
19   me, this        day of
20         , 2023.
21   _____
22   Notary Public
23
24
25
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Page 319

[redacted]

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Page 321

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 1
 2        C E R T I F I C A T E
 3   STATE OF NEW YORK )
 4              : ss.
 5   COUNTY OF NEW YORK )
 6        I, Jennifer Ocampo-Guzman, a
 7   Certified Realtime Shorthand Reporter and
 8   Notary Public within and for the State of New
 9   York, do hereby certify:
10        That BENNEASER JOHN, the witness
11   whose deposition is hereinbefore set forth,
12   was duly sworn, and that such deposition is
13   a true record of the testimony given by the
14   witness.
15        I further certify that I am not
16   related to any of the parties to this action
17   by blood or marriage, and that I am in no
18   way interested in the outcome of this
19   matter.
20        IN WITNESS WHEREOF, I have
21   hereunto set my hand this 12th day of
     September 2023.
22
23
24   JENNIFER OCAMPO-GUZMAN, CRR, CLR
25
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81 (Pages 318 - 321)

United States v. *Google LLC*

Errata Sheet for the Transcript of the 30(b)(6) Deposition of Microsoft (Ben John)

(September 8, 2023)

Page	Line	Now Reads	Should Read	Reason
8	21	buyer side systems	buy side systems	Transcription error
███	██	███	██	███
				██████
██	██	██████	█████	████
██	██	████████	██████	████
21	8	concluded	concluded or didn't conclude	Transcription error
25	9-11	Microsoft's open to most of the publishers, anyone who has a relationship with Microsoft, I would say can buy.	Microsoft's open web – like most other publishers, anyone that does have a relationship with Microsoft, advertisers can buy.	Transcription error
██	██	█████	████	████
██	███	███████	██████	███
██	██	████	█████	███
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1

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■	▌	██	██	▌
■	■	████	███	▌
■	■	███	██	▌
■	▌	███	███	▌
■	██	███	███	▌
95	22	PromoteIQ is the retail	PromoteIQ is a retail	Transcription error
■	▌	██	██	▌
■	■	██	██	▌
■	■	███	███	▌
97	5	needed	native	Transcription error

99	4	read	reach	Transcription error
99	7	Microsoft or O&O	Microsoft O&O	Transcription error
99	8	And that is available,	And that is available for advertisers,	Transcription error
99	9	target outcomes to each audience.	target outcomes to reach the audience.	Transcription error
██	██	██	██	██
██	█	██	██	██
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██	█	█	█	██
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███	███	███████	███████	███
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132	25	Activision?	Activision Blizzard?	Transcription error
133	14	advertisers working for Microsoft	advertisers working through Microsoft	Transcription error
133	21	using us, two	using as two	Transcription error
133	24-25	work with the algorithms.	work with Yahoo and others.	Transcription error
███	███	██████	█████	███

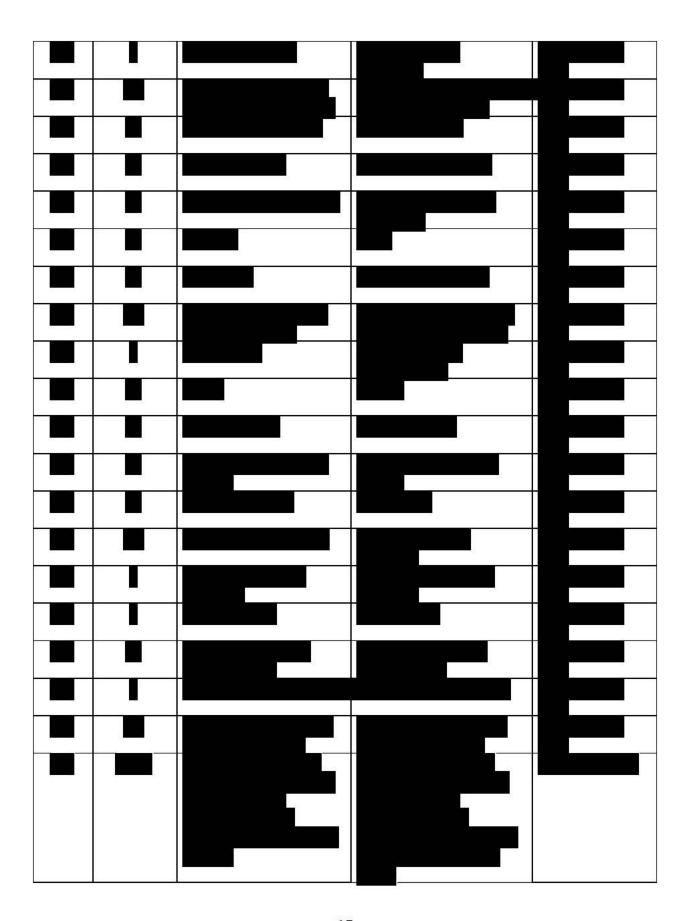|				
███	█	████████	████████	██▛
███	█	██████	█████	█▛
195	2	other display owners?	other display networks?	Transcription error
195	5	Google's – properties	Google's first party properties	Transcription error
195	5	small to medium to large scale,	small to medium to large scale advertisers,	Transcription error
███	█	███	█████	██▛
███	█	████████	████████	██▛
███	█	████████	████████	█▛
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███	█	██████	█████	██▛
███	█	████████	████████	██▛
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253	20	Project Pro Rel (phonetic)	Project Poirot	Transcription error
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███	█	███████	█████	██
288	22	-- "Xander programmatic premium	-- "Xander premium programmatic	Transcription error
288	23	That's correct.	That is correct.	Transcription error
███	█	█████	█████	██
███	█	██████	██████	██
███	█	██████	██████	██
███	█	████	█████	██
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███	██	█████	█████	██
███	█	█████	█████	██
███	█	████	█████	██

16

I, Benneaser John, the witness hearin, having read the testimony of the pages of the 30(b)(6) deposition of Microsoft, do hereby certify it to be a true and correct transcript, subject to the corrections shown on the above pages.

Executed this 23ʳᵈ day of October, 2023 at New York, New York.

BENNEASER JOHN

18